
A BILL FOR AN ACT

RELATING TO PET ANIMALS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that pet ownership can
2 complicate a pet owner's search for housing. Pet owners may
3 encounter barriers when trying to rent a home due to various
4 factors, such as expensive pet deposits. The legislature
5 recognizes that these housing difficulties can lead to some pet
6 owners surrendering or rehoming their pet animals, which can
7 have a detrimental impact on both the owner and the pet animal
8 and can strain the resources of animal rescue organizations. A
9 recent survey of households on Oahu found that thirty per cent
10 of respondents were forced to surrender a pet in the past five
11 years and that the lack of pet friendly housing was the number
12 one reason cited for why the pet was surrendered.

13 Accordingly, the purpose of this Act is to provide
14 protections for pet owners and pet animals by:

- 15 (1) Prohibiting landlords from charging additional monthly
16 fees for the keeping of a pet animal, except in
17 certain circumstances; and



(2) Limiting the monetary amount that a landlord may charge for a pet deposit.

SECTION 2. Section 521-21, Hawaii Revised Statutes, is amended to read as follows:

"§521-21 Rent. (a) The landlord and tenant may agree to any consideration, not otherwise prohibited by law, as rent. In the absence of such agreement, and subject to section 521-71(e) in the case of holdover tenants, the tenant shall pay to the landlord the fair rental value for the dwelling unit.

(b) Rents shall be payable at the time and place agreed to by the parties. Unless otherwise agreed, the entire rent shall be payable at the beginning of any term for one month or less, and for longer terms in equal monthly installments payable at the beginning of each month. When a rental agreement with a public assistance recipient requires that the rent be paid on or before the third day after the day on which the public assistance check is usually received, the tenant shall have the option of establishing a new due date by making a one-time payment to cover the period between the original due date and the newly established date. The new date shall not exceed by more than three days, excluding Saturdays, Sundays, and



1 holidays, the date on which checks are mailed. The one-time
2 payment shall be established by dividing the monthly rental by
3 thirty and multiplying the result by the number of days between
4 the original and the new due dates.

5 (c) Except as otherwise provided in subsection (b), rent
6 shall be uniformly apportionable from day to day.

7 (d) When the tenancy is from month to month, the amount of
8 rent for such tenancy shall not be increased by the landlord
9 without written notice given forty-five consecutive days prior
10 to the effective date of the increase.

11 (e) When the tenancy is less than month to month, the
12 amount of rent for such tenancy shall not be increased by the
13 landlord without written notice given fifteen consecutive days
14 prior to the effective date of the increase.

15 (f) Where the rental agreement provides for a late charge
16 payable to the landlord for rent not paid when due, the late
17 charge shall not exceed eight per cent of the amount of rent
18 due.

19 (g) Landlords shall not charge any additional monthly fees
20 associated with keeping a pet animal; provided that a landlord
21 of a multi-dwelling unit with dedicated common areas for pet



animals may charge an additional rent of no more than 0.5 per
cent of the tenant's gross rent; provided further that this
amount shall be utilized exclusively to provide maintenance to
common areas dedicated for pet animals."

SECTION 3. Section 521-44, Hawaii Revised Statutes, is
amended by amending subsection (b) to read as follows:

"(b) The landlord may require, as a condition of a rental
agreement, a security deposit to be paid by or for the tenant
for the items in subsection (a) and no others in an amount not
in excess of a sum equal to one month's rent, plus an amount
agreed upon by the landlord and tenant to compensate the
landlord for any damages caused by any pet animal allowed to
reside in the premises pursuant to the rental agreement;
provided that the additional security deposit amount for a pet
animal under this subsection:

(1) Shall not be required:

(A) From any tenant who does not have a pet animal
that resides in the premises; or

(B) For an assistance animal that is a reasonable
accommodation for a tenant with a disability
pursuant to section 515-3; and



1 (2) Shall be in an amount not in excess of a sum equal to
2 one third of one month's rent.

3 The landlord may not require or receive from or on behalf of a
4 tenant at the beginning of a rental agreement any money other
5 than the money for the first month's rent and a security deposit
6 as provided in this section. No part of the security deposit
7 shall be construed as payment of the last month's rent by the
8 tenant, unless mutually agreed upon, in writing, by the landlord
9 and tenant if the tenant gives forty-five days' notice of
10 vacating the premises; in entering such agreement, the landlord
11 shall not be deemed to have waived the right to pursue legal
12 remedies against the tenant for any damages the tenant causes.
13 Any such security deposit shall be held by the landlord for the
14 tenant and the claim of the tenant to the security deposit shall
15 be prior to the claim of any creditor of the landlord, including
16 a trustee in bankruptcy, even if the security deposits are
17 commingled."

18 SECTION 4. New statutory material is underscored.



1 SECTION 5. This Act shall take effect on July 1, 3000, and
2 shall apply to all rental agreements entered into or renewed on
3 or after the effective date of this Act.



Report Title:

Pet Animals; Residential Landlord-Tenant Code; Rent; Security Deposits

Description:

Prohibits landlords from charging additional monthly fees for the keeping of a pet animal, except in certain circumstances. Prohibits landlords from charging more than one-third of one month's rent as an additional pet animal security deposit. Effective 7/1/3000. (HD1)

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